

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Lyon	Team: Squad #11	CCRB Case #: 202100268	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 7:30 PM	Location of Incident: West Street and Rector Street	Precinct: 01	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 01/12/2021 4:00 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/12/2021 4:00 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Kieran Higgins	971	941903	SRG 5
2. POM John Oneill	10463	959001	SRG 1
3. SGT Elliot Zinstein	05494	947634	TRN BUR
4. POM Joseph Deck	08350	947736	SRG 1
5. POM Anthony Buonomo	09259	954579	SRG 3
6. POM Scott Obenauer	23942	935422	SRG 4
7. POF Jamilet Rosario	27058	967309	042 PCT
8. POM Rubenson Marcellus	14793	956063	042 PCT
9. POF Ileana Feliz	25565	950538	SRG 3
10. POM James Obrien	23885	946071	PB POD
11. SGT Leo Park	04731	949448	WTC CMD
12. POM Riviere Adhemar	02753	923422	TB DT33
13. POM Adam Heaphy	16137	960650	090 PCT
14. POF Katrina Watts	03050	957274	TB M/TF
15. POM Vincent Daquaro	11470	966014	090 PCT
16. POM Jonathan Lederman	11476	957082	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers threatened individuals with the use of force.	
B. An officer	Force: An officer struck an individual with a baton.	

Officer(s)	Allegation	Investigator Recommendation
C. An officer	Abuse: An officer interfered with an individual's use of a recording device.	
D. Officers	Force: Officers used physical force against individuals.	
E. Officers	Force: Officers struck individuals with batons.	

### Case Summary

On January 12, 2021, § 87(2)(b) filed this complaint with the CCRB by phone.

On June 2, 2020, at approximately 8:15 p.m., in the vicinity of West Street and Rector Street in Manhattan, § 87(2)(b) and § 87(2)(b) were marching with a large group of protesters when the 8:00 p.m. curfew came into effect. § 87(2)(b) was also present; however, he was not accompanying § 87(2)(b) or § 87(2)(b). Officers allegedly began driving toward the back of the crowd and chasing protesters with vehicles (**Allegation A: Abuse of Authority – Threat of force**, § 87(2)(g)). Officers blocked off the street at the front of the crowd by standing in a line and the protesters could not get through. § 87(2)(b) observed an unidentified male and four unidentified females become separated from the rest of the group. Then an officer allegedly hit the male in the head with his baton (**Allegation B: Force: Nightstick as club**, § 87(2)(g)). § 87(2)(b) observed an unidentified male who was recording when he was taken to the ground, beaten, and arrested (**Allegation C: Abuse of Authority – Interference with recording device**, § 87(2)(g)). § 87(2)(b) also observed officers taking unidentified individuals to the ground, kicking them, and beating them with their batons (**Allegation D: Force - Physical force**, § 87(2)(g)) and **Allegation E: Force – Nightstick as club**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) left the location and went home.

Neither § 87(2)(b), § 87(2)(b), nor § 87(2)(b) were summonsed or arrested as a result of this incident. There were no specific victims identified who were summonsed or arrested as a result of this incident.

The investigation received 14 body-worn camera videos (**BR 01, BR 02, BR 03, BR 04, BR 05, BR 06, BR 07, BR 08, BR 09, BR 10, BR 11, BR 12, BR 13, and BR 14**; *videos*, and **BR 15 and BR 16**; *summaries*), none of which captured the allegations raised in this complaint and duplicates of these videos were originally received at the CCRB under related complaints that were filed prior to this one. The seven additional CCRB complaints (202004684, 202004315, 202004232, 202004222, 202004203, 202004048, and 202003978) occurred within the vicinity of this incident. Amongst these complaints, there were 30 additional body-worn camera videos from CCRB #202004684 (**BR 17, BR 18, BR 19, BR 20, BR 21, BR 22, BR 23, BR 24, BR 25, BR 26, BR 27, BR 28, BR 29, BR 30, BR 31, BR 32, BR 33, BR 34, BR 35, BR 36, BR 37, BR 38, BR 39, BR 40, BR 41, BR 42, BR 43, BR 44, BR 45, and BR 46**; *videos*, and **BR 47**; *summaries*). There were seven additional videos located in CCRB #202004315 (**BR 48, BR 49, BR 50, BR 51, BR 52, BR 53, and BR 54**; *videos*). There were two additional body-worn camera videos located in CCRB #202004232 (**BR 55 and BR 56**; *videos*). There were nine additional body-worn camera videos located in CCRB #202004222 (**BR 57, BR 58, BR 59, BR 60, BR 61, BR 62, BR 63, BR 64, and BR 65**; *videos*). There were eight additional body-worn camera videos located in CCRB #20204203 (**BR 66, BR 67, BR 68, BR 69, BR 70, BR 71, BR 72, BR 73, and BR 74**; *videos*). There were six additional body-worn camera videos located in CCRB #202003978 (**BR 75, BR 76, BR 77, BR 78, BR 79, and BR 80**; *videos*). Of the additional body-worn camera videos, none clearly depicted this incident. There was one handheld TARU footage video (**BR 81**) which also did not clearly depict this incident. § 87(2)(b) provided six cell phone videos of the protest (**BR 82, BR 83, BR 84, BR 85, BR 86, and BR 87**; *videos*, and **BR 88**; *summaries*) and § 87(2)(b) provided five videos of the protest (**BR 89, BR 90, BR 91, BR 92, and BR 93**; *videos* and **BR 94**; *summaries*) none of which depicted any allegations.

### Findings and Recommendations Allegation (A) Abuse of Authority: Officers threatened individuals with the use of force.

### Allegation (B) Force: An officer struck § 87(2)(b) with a baton.

#### *Known Facts and General Descriptions*

It was undisputed that a protest occurred on June 2, 2020, in the general vicinity of West Street and Rector Street in which protesters were out after the mayoral emergency curfew went into effect at 8:00 p.m.

§ 87(2)(b) stated (**BR 95**) that he and his friend § 87(2)(b) were marching on West Street toward Battery Park when the citywide curfew went into effect. Officers lead protesters into a “strategic location” around a corner by the overpass and there was a line of officers in riot gear waiting. Protesters were chased by officers in vehicles including § 87(2)(b)’s friend who was chased for 20 yards by an SUV (§ 87(2)(b) did not specify whether this friend was § 87(2)(b) and § 87(2)(b) never stated (**BR 96**) that this had happened to him. Additionally, § 87(2)(b) did not state when or where this took place). Officers on foot circled the protesters and started attacking. Four unidentified females and one unidentified male got separated from the rest of the protesters. An officer hit the male in the back of the head with a baton and arrested him. § 87(2)(b) did not describe any injuries and was unable to provide a description of the male who was struck in the head. § 87(2)(b) did not provide an exact location for where he witnessed the baton strike.

§ 87(2)(b) also described observing a sergeant who was a white male in his late thirties to early forties who was 5’4” tall, pushing people with his baton from behind. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) stated (**BR 96**) that as the protesters marched downtown, efforts were made by officers to break up the crowd. There were police vehicles driving in the highway breaking up protesters while they were marching. § 87(2)(b) did not specify where he observed the vehicles breaking up protesters. § 87(2)(b) did not observe any injuries. At approximately 8:15 p.m. in the vicinity of West Street and Rector Street, just after the curfew went into effect, the group of officers that had been marching with the protestors suddenly started arresting three people who were marching too close to them. There was a white male on the bottom of the pile who appeared to be the subject of the arrest. The officers had batons, but § 87(2)(b) did not remember whether the officers were striking the individuals. This caused a stoppage in the march and created a bottle neck. § 87(2)(b) felt that the officers were deliberately doing this to break up the crowd.

§ 87(2)(b) stated (**BR 97**) that he did observe the barricade separating the sidewalk and the street on West Street and Rector Street. § 87(2)(b) stated that there were two individuals, a Hispanic male, and a Black female, getting arrested in this vicinity. The male was on the ground, but § 87(2)(b) did not see him go to the ground. § 87(2)(b) did not see any officer hit either of these individuals with a baton.

#### *Body-Worn Camera and Additional Footage*

§ 87(2)(b) provided a video (**BR 87; video** and **BR 88; summary**) which captures protesters standing near a construction barricade on West Street and Rector Street who are separated from the rest of the protesters and being arrested. It was unclear whether this video captured the individuals § 87(2)(b) was describing as being separated from the rest of the protesters. The video does not capture any male being struck in the back of the head with a baton. Two of § 87(2)(b)’s videos (**BR 89** and **BR 90; videos, BR 94 summaries**) captured this location, however, none of these videos depicted any allegations and § 87(2)(b) did not specifically describe witnessing any allegations at this location.

Of the 77 body-worn camera videos related to this incident location, none of the videos captured any police vehicles driving toward protesters nor did they capture any of the individuals who were shown getting arrested by the construction barricade on Rector Street and West Street in § 87(2)(b)’s video.

### *NYPD Documents Reviewed*

The arrest log from the Mass Arrest Processing Center (**BR 102**) lists numerous arrests in the general vicinity of West Street and Rector Street. § 87(2)(g)

The investigation identified one individual from this log, § 87(2)(b) who was arrested by the construction barricades on West Street and Rector Street, however, § 87(2)(b) was unavailable to provide a statement (**BR 98**). § 87(2)(g)

### *Ranking Officers and Officers Interviewed*

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### *Conclusion*

§ 87(2)(g)

§ 87(2)(g)

**Allegation (C) Abuse of Authority: An officer interfered with § 87(2)(b)'s use of a recording device.**

**Allegation (D) Force: Officers used physical force against individuals.**

**Allegation (E) Force: Officers struck individuals with batons.**

### *Known Facts and General Descriptions*

§ 87(2)(b) stated (**BR 96**) that officers in riot gear appeared to be attacking and arresting anyone who was in the way and trying to record. There was a young white male in a black hoodie who was recording another male who had been taken to the ground, beaten, and arrested. § 87(2)(b) was unable to provide any further description of the protester or the officer. Another protestor was taken down, kicked, and beaten with a baton for not backing up enough. § 87(2)(b) observed officers slowing people down and then three officers would come out of line, pile on, and beat the person.

§ 87(2)(b) stated (**BR 97**) that he observed a white male officers who was 5'7" to 5'8" tall with a stocky build hit § 87(2)(b) with a baton, however, he was unable to describe this individual.

### *Body-Worn Camera and Additional Footage*

All the available body-worn camera footage, TARU footage, and cellphone footage was reviewed. § 87(2)(g)

None of the body-worn camera footage captured a white male in a black hoodie who was recording prior to being arrested. § 87(2)(g)

### *NYPD Documents Reviewed*

The arrest log from the Mass Arrest Processing Center (**BR 102**) indicated that numerous arrests were made in the vicinity of the West Street and various cross streets in the vicinity. § 87(2)(g)

### *Ranking Officers and Officers Interviewed*

§ 87(2)(g)

### *Conclusion*

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been a party to two additional CCRB complaints and named a victim in one allegation (**BR 99**).
  - § 87(2)(g)

### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of August 24, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**BR 100**).
- According to the Office of Court Administration (OCA), as of August 19, 2021, § 87(2)(b) has no record of convictions in New York City (**BR 101**).

---

Squad: 11

Investigator: Kelly Lyon Inv. Kelly Lyon 09/02/2021  
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 09/02/2021  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date